



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

53

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,983	03/08/2002	Andre Georges Cook	DN1999227USA	4851

27280 7590 10/25/2004

THE GOODYEAR TIRE & RUBBER COMPANY  
INTELLECTUAL PROPERTY DEPARTMENT 823  
1144 EAST MARKET STREET  
AKRON, OH 44316-0001

EXAMINER	
BRINSON, PATRICK F	
ART UNIT	PAPER NUMBER
3754	

DATE MAILED: 10/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/070,983	COOK ET AL.
Examiner	Art Unit	
Patrick F. Brinson	3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 29 July 2004.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-3 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1 is/are rejected.

7) Claim(s) 2 and 3 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 325,591 to **Coultaus** in view of U.S. 5,899,237 to **Akedo et al.**

The patent to **Coultaus** discloses a flexible hose comprising a flexible material and a reinforcing rod (B) positioned externally of the outer surface of the hose. The flexible material formed with a terminal end (A), whereby the reinforcing rod has a terminal end located short of the terminal end of the flexible material, allowing the flexible material to become a soft cuff adapted to receive a hose fitting. The hose having a minimum and maximum outer diameter, wherein the maximum outer diameter is created by the reinforcing rod. It is disclosed that the coils form a spiral spring that binds closely at every portion of its length. The internal diameter of the spiral is slightly smaller than the external diameter of the pipe, so that the wire takes a firm hold on the pipe, slightly indenting it if the pipe is made of rubber. **Coultaus** does not disclose the

reinforcing rod being bonded to the outer layer nor the flexible material comprising multiple layers. The patent to **Akedo et al.** discloses a flexible hose including a flexible material (2) comprised of multiple layers and a spiral reinforcement (4) that is bonded to the flexible material by thermal fusion. **Akedo et al.** also discloses the maximum outer diameter of the hose being created by the reinforcing rod. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the hose of **Coultaus** to include a flexible material of multiple layers and to bond the reinforcing rods to the flexible material both as suggested **Akedo et al.** in order to produce a strong, flexible hose having secured reinforcing rod thereon that provides a flexible soft cuffed end portion and provides wear resistance to the flexible material.

*Response to Amendment*

3. Applicant's arguments regarding the **Taylor** reference have been considered. Applicant states that **Taylor** is not relevant because of its use in conjunction with endoscopes and states that the reinforcing rod of **Taylor** does not form the outer diameter of the hose. Applicant further states that there is no motivation to combine the **Taylor** and **Akedo et al** references since **Taylor** is concerned with tube liners used in medical procedures. **Taylor** is no longer utilized as a reference in the rejection of claim 1. The patent to **Coultaus** discloses a spring armored hose pipe

similar to both the **Akedo et al.** hose and the hose of the present invention, wherein the purpose of the reinforced rod is to give additional strength and to prevent abrasion of the hose. Therefore it would be obvious to one of ordinary skill in the art at the time the invention was made to modify the hose body of **Coultaus** to have multiple layers as taught by **Akedo et al.** As to the reinforcing wire being bonded to the body, **Coultaus** discloses a means of providing the rod in a tight manner onto the hose so that it will not slide off, thereby producing a hose that functions as the present invention. Bonding of the reinforcing rod to the outer surface is a method step that does not impart distinctive structural characteristics to the hose. However, also as taught by **Akedo et al.**, it would have been obvious to modify the means of providing the rod onto the outer surface of the body by bonding them together, wherein the two processes are interchangeable in achieving the same function.

#### *Allowable Subject Matter*

4. Claims 2 and 3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Ogren and Goodall discloses reinforced flexible

hoses wherein the flexible material includes multiple layers. The patents to Kellogg et al., Sneed, Dabney, McGuire and McDonald are pertinent to Applicant's invention in disclosing flexible hoses with reinforcing rods on the outer surface.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Patrick F. Brinson** whose telephone number is (703) 308-0111. As of November 22, 2004, the phone number is (571) 272-4897. The examiner can normally be reached on M-F 7:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Michael Y. Mar** can be reached on (703) 308-2087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Patrick F. Brinson  
Primary Examiner  
Art Unit 3754

P. F. Brinson  
October 20, 2004